

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JULIE A. ROACH,)	Case No. 3:21-cv-110
Plaintiff,)	Judge Michael J. Newman
v.)	
MARC R. VADEVEER, et al.)	JOINT STIPULATIONS; AGREED ORDER
Defendants.)	DISMISSING CLAIMS

Now come the parties and hereby submit the following Joint Proposed Agreed Entry for approval by the Court disposing of all matters now before the Court in the proceeding:

1. Plaintiff filed the within action in Montgomery County Common Pleas Court, Case No. 2021CV094 against Marc R. Vandever and Allstate Insurance which alleged certain claims and injuries arising out of a motor vehicle accident on May 5, 2019. On April 6, 2021, Defendant Vandever removed this action to the District Court for the Southern District of Ohio.

Upon certification by the Acting United States Attorney for the Southern District of Ohio that Mr. Vandever was acting within the scope of his employment at the time of the accident, the United States substituted itself as the party defendant.

2. The parties stipulate that at the time of the subject motor vehicle accident, Mr. Vandever was employed as Chief Innovation Officer at the Air Force Installation and Mission Support Center, headquartered at Joint Base Lackland, San Antonio, TX. The parties further stipulate that Plaintiff did not file a Federal Tort Claims Act ("FTCA") claim prior to the

commencement of the present action. Plaintiff alleges that she did not possess knowledge regarding Mr. Vandever's status or the scope of his employment to invoke the processes of the FTCA prior to the commencement of the present action. The parties further acknowledge that Plaintiff intends to seek relief pursuant to the "safe harbor" provisions of the FTCA at Mr. Vandever's home base of Lackland AFB, Joint Base San Antonio and specifically acknowledges that Plaintiff does not waive any rights under the statute to further relief by virtue of these stipulations or the terms of the Agreed Order.

3. Plaintiff does not further oppose the pending Motion of the United States to Dismiss for lack of jurisdiction. Based upon the parties' stipulations herein above, the Motion filed by the United States of America is hereby granted and the claim is hereby dismissed by the Court for lack of jurisdiction.

4. The claims asserted by Plaintiff as to Allstate Insurance Co. ("Allstate") regarding UM/UIM coverage provided under Plaintiff's MVA policy are predicated in whole or in part upon the same operative set of facts and potential recovery that Plaintiff may receive through the FTCA. Plaintiff and Allstate acknowledge therefore that the claim is not ripe for adjudication until Plaintiff's rights under the FTCA may be concluded. By joint agreement of Plaintiff and Allstate, Plaintiff's claims against Allstate are dismissed without prejudice.

5. There being no further matters pending before the Court, all remaining dates set in this matter are hereby vacated.

Done and ORDERED in chambers this 7th day of July, 2021.

IT IS SO ORDERED.

s/Michael J. Newman

Hon. Michael J. Newman

United States District Judge

AGREED TO:

/s/ B. Randall Roach

B. Randall Roach (0065537)

Martin, McCarty, Wright & Roach, LPA

26 N. Wright Ave.

Fairborn, Ohio 45324

Phone: (937) 878-8649

Fax: (937) 878-8649

mmrandw@sbcglobal.net

Counsel for Plaintiff Julie A. Roach

/s/ Linda Mindrutiu

VIPAL J. PATEL

Acting United States Attorney

Linda Mindrutiu (NY4618245)

Assistant United States Attorney

221 East Fourth Street, Suite 400

Cincinnati, Ohio 45202

Phone: (513) 684-3711

Fax: (513) 684-6972

linda.mindruti@usdoj.gov

/s/ Alan R. Trenz

Alan R. Trenz (0013521)

1149 Stone Drive, Suite 200

Harrison, Ohio 45030

Phone: 513-367-5656

Fax: 513-621-2465

Email: atrenz@trenzlaw.com

Attorney for Defendant Allstate Insurance Company